## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY DOYLE YOUNG,	)
Plaintiff,	No. C 07-6004 TEH (PR)
vs.	ORDER OF TRANSFER
UNITED STATES,	)
Defendants.	)
	_ )

Plaintiff, a federal prisoner currently incarcerated at the United States

Penitentiary in Florence, Colorado, has filed a pro se civil rights action alleging

violations of his constitutional rights in the prison's interference with his

communication with the press. The events or omissions giving rise to the claims

occurred, and the Defendant named reside, in Fremont County, which lies within the

venue of the District of Colorado. See 28 U.S.C. § 85. Venue therefore properly lies in

the District of Colorado. See id. § 1391(b).

When jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the

case or transfer it to the proper federal court "in the interest of justice." 28 U.S.C. § 1406(a). Venue may be raised by the court sua sponte where the defendant has not yet filed a responsive pleading and the time for doing so has not run. Costlow v. Weeks, 790 F.2d 1486, 1488 (9th Cir. 1986).

Accordingly, IT IS ORDERED that, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action be TRANSFERRED to the United States District Court for the District of Colorado. The Clerk shall transfer this matter forthwith.

DATED: <u>12/14/07</u>

THELTON E. HENDERSON United States District Judge

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